

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

GARY HANCOCK,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-00483

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation ("PF&R") regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on January 7, 2022, in which he recommended that the district court deny defendant's "Motion to Dismiss or, in the Alternative, Motion for Summary Judgment" (ECF No. 22) and refer this matter back to him for further proceedings.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). No party filed objections within the requisite time.


Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and

recommendations. Accordingly, the court hereby **DENIES** defendant's "Motion to Dismiss or, in the Alternative, Motion for Summary Judgment" and **REFERS** the matter back to Magistrate Judge Aboulhosn for further proceedings consistent with the PF&R.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 31st day of January, 2022.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge